

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL No. 1456
LITIGATION)
THIS DOCUMENT RELATES TO) CIVIL ACTION: 01-CV-12257 PBS
Master File No. 01-CV-12257-PBS)
) Judge Patti B. Saris
)
) Chief Mag. Judge Marianne B. Bowler
)

STATUS REPORT SEPTEMBER 1, 2006

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court listing the status of all pending motions to date.

Respectfully Submitted,

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ON BEHALF OF ALL PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing **Status Report** to be served on all counsel of record electronically on September 1, 2006 pursuant to Section D of Case Management Order No. 2.

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MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> • December 7, 2005 – Defendants’ Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents (re: Montana and Nevada) <ul style="list-style-type: none"> ○ December 7, 2005 – Defendants’ Motion for Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 8, 2005 – Opposition of the States of Nevada and Montana to Defendants’ Motion for Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 12, 2005 – Defendants’ Motion for Leave to File Reply Memorandum in Support of Motion Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 15, 2005 – Opposition of the States of Nevada and Montana to Defendants’ Motion for Leave to File Reply Memorandum in Support of Motion Expedited Briefing Schedule and Oral Argument on Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 21, 2005 – Opposition of the States of Nevada and Montana to Defendants’ Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ January 6, 2006 – Defendants’ Motion for Leave to File a Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ January 6, 2006 – Defendants’ Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ January 11, 2006 – Opposition of the States of Nevada and Montana to Defendants’ Motion for Leave to File a Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt for Preservation of Potentially Relevant Documents and for an Accounting of Spoliated Documents

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al. (continued)			<ul style="list-style-type: none"> • April 4, 2006 – Bayer Corp.’s First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness (corrected on April 14, 2006) <ul style="list-style-type: none"> ○ April 18, 2006 – Opposition to Bayer Corporation’s First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness ○ June 27, 2006 – Defendant Bayer Corporation’s Motion for Leave to File a Notice of Supplemental Facts in Support of its First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness ○ June 27, 2006 – Defendant Bayer Corporation’s Proposed Notice of Supplemental Facts in Support of its First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness ○ June 27, 2006 – Bayer Corporation’s Motion for Leave to File Under Seal Exhibit B to the Affidavit of Michael Doss in Support of Bayer’s Motion for Leave to File a Notice of Supplemental Facts • June 21, 2006 – Montana’s and Nevada’s Motion for Protective Order Relating to Defendants’ Second Subpoena to Blue Cross Blue Shield of Montana and Deposition Notice to MMCAP <ul style="list-style-type: none"> ○ July 5, 2006 – Defendants’ Memorandum of Law in Opposition to Montana’s and Nevada’s Motion for a Protective Order Relating to Defendants’ Second Subpoena to Blue Cross Blue Shield of Montana and Deposition Notice to MMCAP ○ July 10, 2006 – Blue Cross and Blue Shield of Montana’s Concurrence in the State of Montana’s Motion for Protective Order Relating to Defendants’ Second Subpoena to Blue Cross and Blue Shield of Montana ○ July 24, 2006 – Defendants’ Memorandum of Law in Opposition to Blue Cross and Blue Shield of Montana’s Motion for a Protective Order Relating to Defendants’ Second Subpoena to Blue Cross and Blue Shield of Montana • August 31, 2006 – The States of Montana and Nevada’s Second Motion to Amend Case Management Order No. 25 (re: Montana and Nevada)
Nevada v. American Home Products, Inc. et al (“Nevada II”)	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> • December 7, 2005 – Defendants’ Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents (re: Montana and Nevada, see entry under <i>Montana v. Abbott Labs., Inc. et al.</i>) <ul style="list-style-type: none"> ○ July 21, 2006 – Nevada II Defendants’ Joint Memorandum in Support of Defendants’ Joint Motion for Redress for Spoliation of Evidence (<i>Nevada Only</i>) ○ August 4, 2006 – State of Nevada’s Opposition to Defendants’ Joint Motion for Redress for

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Nevada v. American Home Products, Inc. et al ("Nevada II") (continued)			<ul style="list-style-type: none"> Spoliation of Evidence <ul style="list-style-type: none"> o August 14, 2006 – Defendants' Joint Motion for Leave to File a Reply to Nevada's Opposition to Defendants' Joint Motion for Redress for Spoliation of Evidence (reply memorandum attached) • June 21, 2006 – Montana's and Nevada's Motion for Protective Order Relating to Defendants' Second Subpoena to Blue Cross Blue Shield of Montana and Deposition Notice to MMCAP <ul style="list-style-type: none"> o July 5, 2006 – Defendants' Memorandum of Law in Opposition to Montana's and Nevada's Motion for a Protective Order Relating to Defendants' Second Subpoena to Blue Cross Blue Shield of Montana and Deposition Notice to MMCAP • August 3, 2006 – Defendants' Third Motion to Compel Discovery from Plaintiff the State of Nevada <ul style="list-style-type: none"> o August 17, 2006 – The State of Nevada's Opposition to Defendants' Third Motion to Compel Discovery o August 24, 2006 – Defendants' Reply to the State of Nevada's Opposition to Defendants' Third Motion to Compel Discovery • August 8, 2006 – The State of Nevada's Motion for Protective Order Relating to Defendants' Deposition Subpoena to MGM Mirage <ul style="list-style-type: none"> o August 10, 2006 – Memorandum of Law in Opposition to Nevada's Motion for a Protective Order Relating to Defendants' Deposition Subpoena to MGM Mirage • August 31, 2006 – The States of Montana and Nevada's Second Motion to Amend Case Management Order No. 25 (re: Montana and Nevada)
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • January 17, 2006 – Defendants' Motion to Dismiss the First Amended Complaint-In-Intervention (<i>individual memoranda of law submitted by ZLB Behring LLC and Abbott Laboratories Inc.</i>) <ul style="list-style-type: none"> o January 17, 2006 – B. Braun of America Inc.'s Motion to Dismiss the State of California's First Amended Complaint o February 13, 2006 – Boehringer Ingelheim Pharmaceuticals, Inc.'s Motion to Dismiss and Joinder in Defendants' Motion to Dismiss the First Amended Complaint-In-Intervention o March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendants' Joint Motion to Dismiss the First Amended Complaint-In-Intervention o March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant B. Braun of Am., Inc.'s Separate Motion to Dismiss the First Amended Complaint

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al. (continued)			<ul style="list-style-type: none"> ○ March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant Abbott Laboratories, Inc.'s Separate Motion to Dismiss the First Amended Complaint ○ March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant ZLB Behring, LLC's Individual Motion to Dismiss the First Amended Complaint ○ April 3, 2006 – Defendants' Reply to Plaintiffs' Memorandum in Opposition to Defendants' Joint Motion to Dismiss the First Amended Complaint-In-Intervention (<i>individual replies filed by Abbott Laboratories Inc., B. Braun of America, Inc., Boehringer Ingelheim Pharmaceuticals, Inc. and ZLB Behring LLC</i>) ○ April 3, 2006 – Defendants' Opposition to Plaintiffs' Objections Pursuant to Rule 201(e) of the Federal Rules of Evidence to Judicial Notice of Facts and Conclusions Set Forth in Defendants' Motion to Dismiss ○ April 17, 2006 – Plaintiffs' Sur-Reply to Defendants' Joint and Individual Motions to Dismiss the First Amended Complaint ○ April 17, 2006 – Plaintiffs' Motion for Leave to File Reply in Support of Objections to Taking Judicial Notice of Facts and Conclusions Set Forth in Defendants' Motion to Dismiss ○ April 17, 2006 – Plaintiffs' Reply Brief in Opposition to Judicial Notice ○ June 12, 2006 – Defendants' Motion for Leave to File a Supplemental Brief in Support of Their Motion to Dismiss Plaintiffs' First Amended Complaint-In-Intervention ○ June 12, 2006 – Defendants' Supplemental Brief in Support of Their Motion to Dismiss Plaintiffs' First Amended Complaint-In-Intervention ○ June 20, 2006 – Plaintiffs' Motion for Leave to File Objections to Defendants' Supplemental Brief ○ June 20, 2006 – Plaintiffs' Objections to Defendants' Supplemental Brief ○ July 20, 2006 – Notice of Voluntary Dismissal of the State of California's Claims Against Defendant McGaw, Inc. ● April 11, 2006 – Notice of Proposed Case Management Order Pursuant to the Court's March 16, 2006 Ruling ● April 28, 2006 – Stipulated Motion for Order Permitting Deposition of Harvey Weintraub (former Warrick Vice President) ● July 26, 2006 – Plaintiffs' Motion for Leave to File Supplemental Submission in Response to the Court's Request for Claims Examples (submission attached) <ul style="list-style-type: none"> ○ August 4, 2006 – Defendants' Opposition to Plaintiffs' Motion for Leave to File Supplemental Submission in Response to the Court's Request for Claims Examples

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Florida ex rel. Ven-A-Care of the Florida Keys v. Alpharma, Inc. et al., Case No. 05-257		Removed to N.D. Fla.	<ul style="list-style-type: none"> • Motion to Remand in Florida v. Alpharma, Inc. (05-257) filed but not briefed prior to transfer <ul style="list-style-type: none"> ○ September 16, 2005 – Plaintiffs' Memorandum of Law in Support of Motion for Remand filed in D. Mass. ○ October 14, 2005 – Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Remand to State Circuit Court ○ November 18, 2005 – Endorsed Request for International Judicial Assistance (Letter Rogatory)
State of Florida, et al. v. Mylan Labs., Inc., et al., Case No. 4:05-490	n/a	N.D. Fla.	<ul style="list-style-type: none"> • April 12, 2006 – Transfer Order transferring <i>State of Florida, et al. v. Mylan Laboratories, Inc., et al.</i>, N.D. Fla., C.A. No. 4:05-490 to D. Mass.
Ven-A-Care of the Florida Keys, et al. v. Abbott Laboratories, Inc., et al., Case No. 1:06-21303	n/a	S.D. Fla.	<ul style="list-style-type: none"> • July 11, 2006 – Conditional Transfer Order (30) transferring <i>Ven-A-Care of the Florida Keys, Inc., et al. v. Abbott Laboratories, Inc., et al.</i>, S.D. Fla., Case No. 1:06-21303, to D. Mass. <ul style="list-style-type: none"> ○ July 26, 2006 – No Notice of Opposition filed • August 18, 2006 – Abbott Laboratories, Inc.'s Motion for Entry of Case Management Order and to Order Commencement of Discovery <ul style="list-style-type: none"> ○ August 31, 2006 – Plaintiffs' Response to Abbott Laboratories, Inc.'s Motion for Entry of Case Management Order
State of Arizona ex rel. v. Abbott Labs., Case No. 2:06-45	n/a	D. Ariz.	<ul style="list-style-type: none"> • July 21, 2006 – Warrick Pharmaceuticals Corporation's Renewed Motion for Leave to Take the Deposition of Harvey Weintraub for Purposes of Discovery in the Arizona Action or For Reconsideration of the Transferor Court's Decision <ul style="list-style-type: none"> ○ August 4, 2006 – Plaintiff's Memorandum in Opposition to Warrick's Renewed Motion for Leave to Take the Deposition of Harvey Weintraub or For Reconsideration of the Decision of the Transferor Court • August 11, 2006 – Plaintiff State of Arizona's Motion for Remand <ul style="list-style-type: none"> ○ August 25, 2006 – Memorandum in Support of Defendants' Opposition to Plaintiff State of Arizona's Motion for Remand
Consolidated County Case: City of New York (S.D.N.Y.) County of Albany (N.D.N.Y.) County of Allegany (W.D.N.Y.)	n/a	E.D.N.Y. N.D.N.Y. S.D.N.Y. W.D.N.Y.	<ul style="list-style-type: none"> • March 30, 2005 – County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery From the Schering-Plough Corporation <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ April 6, 2005 – Schering Plough's Opposition to County of Suffolk's Motion to Renew Its

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
<p>County of Broome (N.D.N.Y.)</p> <p>County of Cattaraugus (W.D.N.Y.)</p> <p>County of Cayuga (N.D.N.Y.)</p> <p>County of Chautauqua (W.D.N.Y.)</p> <p>County of Chemung (W.D.N.Y.)</p> <p>County of Chenango (N.D.N.Y.)</p> <p>County of Columbia (N.D.N.Y.)</p> <p>County of Cortland (N.D.N.Y.)</p> <p>County of Dutchess (S.D.N.Y.)</p> <p>County of Essex (N.D.N.Y.)</p> <p>County of Fulton (N.D.N.Y.)</p> <p>County of Genesee (W.D.N.Y.)</p> <p>County of Greene (N.D.N.Y.)</p> <p>County of Herkimer (N.D.N.Y.)</p> <p>County of Jefferson (N.D.N.Y.)</p> <p>County of Lewis (N.D.N.Y.)</p> <p>County of Madison (N.D.N.Y.)</p> <p>County of Monroe (W.D.N.Y.)</p> <p>County of Nassau (E.D.N.Y.)</p> <p>County of Niagara (W.D.N.Y.)</p> <p>County of Oneida (N.D.N.Y.)</p> <p>County of Onondaga (N.D.N.Y.)</p> <p>County of Ontario (W.D.N.Y.)</p> <p>County of Orleans (W.D.N.Y.)</p> <p>County of Putnam (S.D.N.Y.)</p> <p>County of Rensselaer (N.D.N.Y.)</p> <p>County of Rockland (S.D.N.Y.)</p> <p>County of St. Lawrence (N.D.N.Y.)</p> <p>County of Saratoga (N.D.N.Y.)</p> <p>County of Schuyler (W.D.N.Y.)</p>			<p>Second Motion to Compel the Production of Discovery</p> <ul style="list-style-type: none"> • March 3, 2006 – Defendants' Joint Motion to Dismiss the New York Consolidated Complaint and the Nassau County Second Amended Complaint <ul style="list-style-type: none"> ○ Individual Memoranda of Each Defendant in Support of Its Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County (<i>individual memoranda filed by Bayer Corp., Sanofi-Synthelabo, Forest Labs., Inc./Forest Pharmaceuticals, Inc., Amgen, Inc., Pfizer Defendants, TAP Pharmaceutical Prods., Inc., Biogen Idec Inc., Wyeth, Novartis Pharmaceuticals Corp., EMD, Inc., Mylan Defendants, AstraZeneca Defendants, Endo Pharmaceuticals, Roche Defendants, Boehringer Ingelheim Corp., MedImmune, Inc., Merck & Co., Inc., Sandoz Inc., Ben Venue Labs., Inc., Par Pharmaceuticals, Boehringer Ingelheim Corp.</i>) ○ April 17, 2006 – Plaintiffs' Opposition to Defendants' Individual Memorandum in Support of Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County ○ April 24, 2006 – Plaintiffs' Opposition to Individual Memoranda of Law in Support of Motion to Dismiss Filed by Eli Lilly & Co., Purdue Pharma LP, Chiron Corp. ○ May 8, 2006 – Defendant TAP Pharmaceutical Products Inc.'s Reply Memorandum in Support of Defendants' Joint Motion to Dismiss ○ May 11, 2006 – Joint Defendants' Reply to Plaintiffs' Opposition to Motion to Dismiss the Consolidated County Complaint and Nassau County's Second Amended Complaint ○ May 11, 2006 – Individual Reply Memoranda of Each Defendant in Further Support of Its Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County (<i>individual memoranda filed by Forest Labs., Inc./Forest Pharmaceuticals, Inc., Amgen Inc., Aventis Pharmaceuticals, Biogen Idec Inc., Endo Pharmaceuticals Inc., Eli Lilly and Co., Wyeth, The Roche Defendants, Merck & Co., Bayer Corp., Pfizer Defendants, Sanofi-Synthelabo, Mylan Defendants, Boehringer Ingelheim, Ben Venue Labs., Inc., Purdue Pharma LP/Purdue Frederick Co./Purdue Pharma Co., AstraZeneca, EMD, Inc., Sandoz Inc., Novartis Pharmaceuticals Corp., MedImmune, Inc., Par Pharmaceuticals, Inc.</i>) ○ May 31, 2006 – Plaintiffs' Emergency Motion for a Two-Day Extension of Time to File Sur-Reply Memoranda In Further Opposition to Defendants' Motions to Dismiss ○ June 2, 2006 – Plaintiffs' Sur-Reply in Opposition to Defendants' Joint Motion to Dismiss (1) the Consolidated Complaint of the City of New York and New York Counties and (2) Nassau County's Second Amended Complaint ○ June 2, 2006 – Plaintiffs' Joint Sur-Reply in Further Opposition to Defendants' Individual Motions to Dismiss

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
County of Seneca (W.D.N.Y.) County of Steuben (W.D.N.Y.) County of Suffolk (E.D.N.Y.) County of Tompkins (N.D.N.Y.) County of Ulster (N.D.N.Y.), County of Warren (N.D.N.Y.) County of Washington (N.D.N.Y.) County of Wayne (W.D.N.Y.) County of Westchester (S.D.N.Y.) County of Wyoming (W.D.N.Y.) County of Yates (W.D.N.Y.)			<ul style="list-style-type: none"> ○ June 27, 2006 – Bayer Corporation’s Motion for Leave to File a Notice of Supplemental Authority in Support of its Motion to Dismiss the Consolidated Complaint of New York City and Plaintiff New York Counties Other than Nassau and the Second Amended Complaint of Nassau County ○ June 27, 2006 – Bayer Corporation’s Proposed Notice of Supplemental Authority in Support of its Motion to Dismiss the Consolidated Complaint of New York City and Plaintiff New York Counties Other than Nassau and the Second Amended Complaint of Nassau County ○ June 28, 2006 – Defendants’ Joint Recommendation on Certification of New York State Law Questions Concerning Their Motion to Dismiss (1) the Consolidated Complaint of the City of New York and Plaintiff New York Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County ○ July 7, 2006 – Plaintiffs’ Response to Issues Raised During June 16, 2006 Oral Argument and to Defendants’ Joint Recommendation on Certification ● July 11, 2006 – Conditional Transfer Order (30) transferring County of Ulster v. Abbott Laboratories, Inc., et al., N.D. New York, CA No. 1:06-123, to D. Mass. <ul style="list-style-type: none"> ○ July 26, 2006 – No Notice of Opposition to proposed transfer filed

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> • May 3, 2004 – Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sicor and Together Rx Defendants <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ May 17, 2004 – Certain Defendants' Notice of Opposition to Plaintiffs' Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time ○ May 26, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) ○ May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel ○ May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs' Motion to Compel the Production of Documents ○ May 28, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>) ○ June 8, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>) ○ June 9, 2004 – Plaintiffs' Reply Memorandum in Support of Motion to Compel the Production of Documents Created During the Relevant Time Period from the Together Rx Defendants ○ June 22, 2004 – Order granting Plaintiffs' Motion to Withdraw Motion to Compel Directed at Abbott Laboratories ○ Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants • February 23, 2005 – Third Party Schaller Anderson Inc.'s Objection and Motion to Quash Plaintiffs' Subpoena • June 14, 2005 – Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.'s Motion for Protective Order with Memorandum in Support <i>sub judice</i> (Magistrate Judge Bowler)

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> ○ June 28, 2005 – Plaintiffs' Response to Sicor's Motion for Protective Order ○ July 7, 2005 – Motion for Leave to File Reply to Plaintiffs' Response to Sicor's Motion for Protective Order ● November 9, 2005 – Plaintiffs' Motion for Order Exempting Defendant Abbott Laboratories from Any Order Refusing to Extend Deadline for Track Two Discovery <ul style="list-style-type: none"> ○ November 23, 2005 – Defendant Abbott Laboratories' Opposition to Plaintiffs' Motion for Order Exempting Defendant Abbott Laboratories from Any Order Declining to Extend Deadline for Track Two Discovery ○ December 1, 2005 – Plaintiffs' Letter to Magistrate Judge Bowler Requesting Postponement of Hearing until Track Two Discovery Issues Resolved ● November 28, 2005 – Plaintiffs' Motion for Clarification of Case Management Order #16 <ul style="list-style-type: none"> ○ November 30, 2005 – Response of Defendant Watson Pharma, Inc. to Plaintiffs' "Motion for Clarification of Case Management Order #16" ○ November 30, 2005 – Certain Track II Defendants' Request for Expedited Hearing ○ December 1, 2005 – Order re: Plaintiffs' Motion for Clarification of Case Management Order #16 ○ December 9, 2005 – Track II Defendants' Submission Regarding Discovery Schedule ○ December 9, 2005 – Watson Pharmaceuticals, Inc.'s Response to Court Order Regarding Discovery Schedule ○ December 9, 2005 – Defendants Baxter Healthcare Corporation and Baxter International Inc.'s Memorandum Regarding Track II Discovery Schedule ○ December 9, 2005 – Plaintiffs' Memorandum in Support of Their Proposed Track II Discovery Schedule ○ December 15, 2005 – Plaintiffs' Reply to Watson Pharmaceuticals, Inc.'s Response to Court Order Regarding Discovery Schedule ○ December 16, 2005 – Watson Pharmaceuticals, Inc.'s Motion for Leave to File Reply Memorandum in Support of Its Response to Court Order Regarding Discovery Schedule

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> • February 16, 2006 – Dey, Inc.'s and Abbott Laboratories' Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 Pursuant to Fed. R. Civ. P. Rule 72(a) <ul style="list-style-type: none"> ○ February 22, 2006 – Plaintiffs' Assented-to Motion for Leave to Reply to Dey, Inc.'s and Abbott Laboratories' Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 to File Such Reply Until March 8, 2006 ○ March 8, 2006 – Plaintiffs' Opposition to Dey, Inc.'s and Abbott Laboratories' Objections to Chief Magistrate Judge Bowler's Order Denying Further Discovery of Massachusetts Health Plans ○ March 8, 2006 – Plaintiffs' Motion for Leave to File Plaintiffs' Opposition to Dey, Inc.'s and Abbott Laboratories' Objections to Chief Magistrate Judge Bowler's Order Denying Further Discovery of Massachusetts Health Plans • February 21, 2006 – UnitedHealthcare, Inc. and United HealthCare Insurance Co.'s Limited Objections to Magistrate Judge's Order Granting Defendants' Motion to Compel <ul style="list-style-type: none"> ○ March 10, 2006 – Defendants' Response to Third Party UnitedHealthcare, Inc. and United HealthCare Insurance Company's Objections to Chief Magistrate Judge Bowler's Order Granting Defendants' Motion to Compel • March 15, 2006 – Track One Defendants' Motion for Summary Judgment (Classes One and Two) (individual memoranda filed by each of the Track One Defendants) <ul style="list-style-type: none"> ○ April 7, 2006 – Plaintiffs' Memorandum in Opposition to Track One Defendants' Joint Motion for Summary Judgment (<i>replies filed to individual memoranda by each of the Track One Defendants</i>) ○ April 28, 2006 – Defendants' Reply Memorandum in Further Support of Track 1 Defendants' Joint Motion for Summary Judgment (<i>individual reply memoranda filed in further support of motions for summary judgment by AstraZeneca Pharmaceuticals, BMS, Johnson & Johnson, and Schering-Plough & Warrick Pharmaceuticals</i>) ○ May 5, 2006 – Johnson & Johnson Defendants' Motion for Leave to Respond to the Duxbury Declaration <ul style="list-style-type: none"> ▪ May 19, 2006 – Plaintiffs' Memorandum of Law in

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Opposition to the Johnson & Johnson Defendants' Motion for Leave to Respond to the Duxbury Declaration</p> <ul style="list-style-type: none"> ○ May 18, 2006 – BMS Defendants' Supplemental Reply in Support of Their Motion for Summary Judgment <ul style="list-style-type: none"> ▪ May 26, 2006 – BMS Defendants' Supplemental Memorandum Regarding Subsequent History ○ May 26, 2006 – Track 1 Defendants' Notice of Supporting Authority Regarding Congressional Adoption of AWP in 1997 ○ May 26, 2006 – Plaintiffs' Sur-Reply in Opposition to AstraZeneca's Motion for Summary Judgment Discussing Two Discrete Issues Requested By the Court ○ May 30, 2006 – Track One Defendants' Memorandum Addressing Class Plaintiffs' "Plain Meaning" Argument ○ June 1, 2006 – Schering-Plough Corporation's and Warrick Pharmaceuticals Corporation's Supplemental Memorandum Regarding Generic and Multi-Source Drugs ○ June 1, 2006 – Class Plaintiffs' Motion to Strike Track 1 Defendants' Unauthorized Memoranda ○ June 5, 2006 – Plaintiffs' Motion for Leave to File One-Page Supplement to Their Sur-Reply in Opposition to AstraZeneca's Motion for Summary Judgment Discussing Two Discrete Issues Requested by the Court ○ June 5, 2006 – Plaintiffs' One-Page Supplement to Their Sur-Reply in Opposition to AstraZeneca's Motion for Summary Judgment Discussing Two Discrete Issues Requested by the Court ○ June 6, 2006 – Track 1 Defendants' Opposition to Class Plaintiffs' Motion to Strike Track 1 Defendants' Memoranda ○ July 3, 2006 – Track Two Defendants' Brief Demonstrating That (1) Plaintiffs' Claims Do Not Require a Definition of AWP as Used in the Medicare Statute and (2) The Court Is Precluded By Controlling First Circuit Authority From Undertaking A Plain Meaning Analysis (filed with exhibit on July 6, 2006) ○ August 21, 2006 – Plaintiffs' Motion for Leave to File a Response to the Track Two Defendants' Submission Regarding the Meaning of AWP (response attached) <ul style="list-style-type: none"> • March 15, 2006 – Plaintiffs' Motion for Partial Summary Judgment Against All Track 1 Defendants <ul style="list-style-type: none"> ○ April 7, 2006 – Track One Defendants' Joint Memorandum in

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Opposition to Plaintiffs' Motion for Partial Summary Judgment Against All Track One Defendants (<i>individual memoranda in opposition filed by each of the Track One Defendants</i>)</p> <ul style="list-style-type: none"> ○ April 28, 2006 – Plaintiffs' Reply Memorandum in Support of Motion for Partial Summary Judgment Against All Track 1 Defendants ● March 15, 2006 – Class Plaintiffs' Motion for Summary Judgment on Defendants' Affirmative Defenses <ul style="list-style-type: none"> ○ April 7, 2006 – Track One Defendants' Memorandum in Opposition to Class Plaintiffs' Motion for Partial Summary Judgment on Defendants' Affirmative Defenses (<i>individual memoranda in opposition filed by Track One Defendants</i>) ○ April 28, 2006 – Plaintiffs' Reply Memorandum in Further Support of Motion for Summary Judgment on Defendants' Affirmative Defenses ● March 15, 2006 – Plaintiffs' Motion for Partial Summary Judgment on Behalf of Class 1 and 2 Against Defendant AstraZeneca Based on Its Guilty Plea Related to Zoladex <ul style="list-style-type: none"> ○ April 7, 2006 – AstraZeneca Pharmaceuticals LP's Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment on Behalf of Class 1 and 2 Against Defendant AstraZeneca Based on Its Guilty Plea Related to Zoladex ○ April 28, 2006 – Plaintiffs' Reply Memorandum in Further Support of Motion for Partial Summary Judgment Against AstraZeneca Based on Its Guilty Plea Relating to Zoladex ● May 3, 2006 – Amgen, Inc.'s Motion for Protective Order Relating to Plaintiffs' Rule 30(b)(6) Deposition Regarding Sales and Marketing <ul style="list-style-type: none"> ○ May 8, 2006 – Plaintiffs' Memorandum in Opposition to Amgen's Motion for Protective Order Relating to Plaintiffs' Rule 30(b)(6) Deposition Notice Regarding Sales and Marketing ○ May 11, 2006 – Amgen Inc.'s Motion for Leave to File a Reply Memorandum and Reply Memorandum in Support of Its Motion for Protective Order Relating to Plaintiffs' Rule 30(b)(6) Deposition Regarding Sales and Marketing ○ May 12, 2006 – Plaintiffs' Memorandum in Opposition to Amgen Inc.'s Motion for Leave to File a Reply Memorandum in Support of

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Its Motion for Protective Order</p> <ul style="list-style-type: none"> • May 8, 2006 – Plaintiffs' Motion to Certify Claims with Respect to Track 2 Defendants <ul style="list-style-type: none"> ○ May 16, 2006 – Plaintiffs' Motion for Leave to Join Harold Bean as a Plaintiff and a Proposed Class Representative <ul style="list-style-type: none"> ▪ May 19, 2006 – Track Two Defendants' Opposition to Plaintiffs' Motion for Leave to Join Harold Bean as a Plaintiff and Class Representative ▪ May 24, 2006 – Warrick Pharmaceuticals Corp.'s Opposition to Plaintiffs' Motion for Leave to Join Harold Bean as a Plaintiff and Class Representative ○ May 16, 2006 – Track Two Defendants' Motion to Strike Harold Bean as a Proposed Class Representative <ul style="list-style-type: none"> ▪ May 26, 2006 – Plaintiffs' Memorandum in Opposition to Motion to Strike Harold Bean as a Proposed Class Representative ○ June 15, 2006 – Defendants' Individual Memoranda of Law in Opposition to Track 2 Class Certification (<i>individual memorandum filed by each of the Track 2 Defendants</i>) (Redacted versions filed in last week of June/first week of July 2006) ○ July 19, 2006 – Plaintiffs' Reply Memorandum in Support of Motion to Certify Claims With Respect to Track 2 Defendants ○ August 4, 2006 – Track Two Proposal Concerning the Appointment of a Neutral Expert to Advise the Court on Track Two Class Certification ○ August 7, 2006 – Plaintiffs' Response to Track Two Proposal Concerning the Appointment of a Neutral Expert to Advise the Court on Track Two Class Certification ○ August 25, 2006 – Abbott Laboratories, Inc.'s Motion for Leave to File Under Seal ○ August 25, 2006 – Track Two Defendants' Memorandum in Opposition to Class Certification ○ August 25, 2006 – Track Two Defendants' Memorandum Regarding Harold Bean, in Further Opposition to Class Certification • May 23, 2006 – Oxford Health Plans, LLC's Limited Objections to Magistrate Judge's Order Granting the Motion to Compel <ul style="list-style-type: none"> ○ June 6, 2006 – Defendants' Response to Third Party Oxford Health

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Master Consolidated Class Action (continued)			<p>Plans LLC's Objections to Chief Magistrate Judge Bowler's Order Granting Defendants' Motion to Compel</p> <ul style="list-style-type: none"> • May 25, 2006 – Defendant Immunex Corporation's Motion for Protective Order Regarding May 17, 2006 Deposition Notice <ul style="list-style-type: none"> ○ May 31, 2006 – Plaintiffs' Unopposed Motion for Leave to File Under Seal Plaintiffs' Memorandum and Declaration of Robert F. Lopez in Opposition to Immunex Corporation's Motion for Protective Order Regarding May 17, 2006 Deposition Notice ○ May 31, 2006 – Plaintiffs' Memorandum in Opposition to Immunex Corporation's Motion for Protective Order Regarding May 17, 2006 Deposition Notice • June 2, 2006 – Plaintiffs' Motion to Compel and for Assessment of Discovery-Related Costs Against Defendant Abbott Laboratories <ul style="list-style-type: none"> ○ June 29, 2006 – Defendant Abbott Laboratories' Opposition to Plaintiffs' Motion to Compel and for Assessment of Discovery-Related Costs Against Defendant Abbott Laboratories ○ July 17, 2006 – Plaintiffs' Motion for Leave to File Reply Brief in Support of Plaintiffs' Motion to Compel and for Assessment of Discovery-Related Costs Against Defendant Abbott Laboratories ○ August 7, 2006 – Plaintiffs' Reply in Support of Their Motion to Compel and for Assessment of Discovery-Related Costs Against Defendant Abbott Laboratories • June 16, 2006 – Track 1 Defendants' Motion to Preclude the Expert Testimony of Dr. Raymond Hartman in Connection with Classes 1 and 2 or, in the Alternative, for a Daubert Hearing • June 22, 2006 – Plaintiffs' Motion to Quash May 18, 2006 Amended Notice of Deposition of Harvey Weintraub Filed by Defendant Warrick Pharmaceuticals Corporation <ul style="list-style-type: none"> ○ June 22, 2006 – Plaintiffs' Motion for Leave to File Under Seal Plaintiffs' Memorandum and Exhibit 1 to the Declaration of Steve W. Berman in Support of Motion to Quash May 18, 2006 Amended Notice of Deposition of Harvey Weintraub Filed by Defendant Warrick Pharmaceuticals Corporation ○ July 6, 2006 – Warrick's Memorandum in Opposition to Certain Plaintiffs' Motion to Quash May 18, 2006 Amended Notice of

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Deposition of Harvey Weintraub and in Support of Cross Motion for Leave to Take Deposition of Harvey Weintraub for Purposes of Preservation of Testimony</p> <ul style="list-style-type: none"> ○ July 20, 2006 – Plaintiffs' Memorandum in Opposition to Warrick Pharmaceuticals Corporation's Cross-Motion for Leave to Take the Deposition of Harvey Weintraub for Purposes of Preservation of Testimony ○ August 3, 2006 – Warrick Pharmaceuticals Corporation's Reply Memorandum in Support of Its Cross Motion for Leave to Take the Deposition of Harvey Weintraub for Purposes of Preservation of Testimony <ul style="list-style-type: none"> ● June 23, 2006 – Schering-Plough Corporation's Motion to Strike Certain Subject Drugs <ul style="list-style-type: none"> ○ July 7, 2006 – Class Plaintiffs' Memorandum in Opposition to Schering-Plough's Motion to Strike Certain Subject Drugs ○ July 20, 2006 – Schering-Plough Corporation's Motion for Leave to File a Reply Memorandum in Support of Its Motion to Strike Certain Drugs (reply memorandum attached) ● June 28, 2006 – Plaintiffs' Motion for Sanctions and Default Judgment Against Baxter Healthcare for Obfuscation of Documents and Dilatory Tactics <ul style="list-style-type: none"> ○ July 26, 2006 – Baxter Healthcare Corporation's Opposition to Plaintiffs' Motion for Sanction and Default Judgment Against Baxter Healthcare ○ August 4, 2006 – Baxter Healthcare Corporation's Opposition to Montana and Nevada's Joinder in the Motion for Sanctions and Default Judgment Against Baxter Healthcare ○ August 14, 2006 – Reply in Support of Plaintiffs' Motion for Sanctions and Default Judgment Against Baxter Healthcare for Obfuscation of Documents and Dilatory Tactics ○ August 14, 2006 – Montana and Nevada's Joinder in Reply in Support of Plaintiffs' Motion for Sanctions and Default Judgment Against Baxter Healthcare for Obfuscation of Documents and Dilatory Tactics ● June 30, 2006 – Aventis Pharmaceuticals Inc.'s Motion for Partial Summary Judgment as to Count V and Motion for Partial Judgment on

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>the Pleadings, or in the Alternative, Partial Summary Judgment as to Count VII Based Upon Plaintiffs' Failure to Provide M.G.L. Ch. 93A Demand</p> <ul style="list-style-type: none"> ○ July 17, 2006 – Plaintiffs' Response in Opposition to Aventis's Motion for Summary Judgment for Failure to Provide Mass G.L. Chap. 93(A) Demand and Motion for Leave to File an Amended Complaint ○ July 31, 2006 – Amgen Inc.'s Opposition to Plaintiffs' Motion for Leave to File an Amended Complaint (<i>joined in by Abbott Defendants; Dey, Inc.; Fujisawa Defendants, Immunex Corp.; Pfizer Inc.; Pharmacia Corporation; Sicor Inc.; Watson Pharmaceuticals, Inc.</i>) ○ August 24, 2006 – Plaintiffs' Motion for Leave to File a Reply Memorandum in Response to Defendant Aventis' Pharmaceutical Inc.'s Opposition to Plaintiffs' Motion for Leave to File an Amended Complaint (reply attached) ● July 14, 2005 – Track 1 Defendants' Motion for Summary Judgment With Respect to Class 3 <ul style="list-style-type: none"> ○ July 14, 2006 – Certain Defendants' Individual Memoranda of Law in Support of Motion for Summary Judgment as to Class 3 Claims (<i>individual memorandum filed by Schering-Plough Corporation and Warrick Pharmaceuticals Corporation, Johnson & Johnson Defendants, BMS Defendants</i>) ○ August 30, 2006 – Plaintiffs' Memorandum in Opposition to the Track 1 Defendants' Motion for Summary Judgment With Respect to Class 3 ○ August 30, 2006 – Plaintiffs' Memorandum in Opposition to Individual Defendants' Motion for Summary Judgment as to Class 3 (<i>reply to Schering-Plough Corporation, Johnson & Johnson Defendants, BMS Defendants</i>) ● July 14, 2006 – Track 1 Defendants' Motion to Preclude the Expert Testimony of Dr. Raymond Hartman in Connection with Class 3, or, in the Alternative, for a Daubert Hearing <ul style="list-style-type: none"> ○ July 31, 2006 – Schering's and Warrick's Supplemental Motion to Preclude the Testimony of Dr. Raymond Hartman ● August 1, 2006 – Memorandum of the Track 1 Defendants Regarding a

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Daubert Hearing and November Trial</p> <ul style="list-style-type: none"> • August 10, 2006 – Class Plaintiffs' and GSK's Joint Motion for Entry of an Order Granting Preliminary Approval of the GlaxoSmithKline Settlement, Certify Class for Purposes of Settlement, Directory Notice to the Class and Scheduling Fairness Hearing • August 10, 2006 – Track 1 Defendants' Memorandum on the Overlap in the Proof Concerning Classes 2 and 3 <ul style="list-style-type: none"> ○ August 11, 2006 – Plaintiffs' Responsive Memorandum on the Question of Whether the November Trial Should Expand Beyond Class 2 ○ August 15, 2006 – Plaintiffs' Notice of Supplemental Authority on the Scope of the November 6 Trial ○ August 16, 2006 – Track 1 Defendants' Reply Memorandum Regarding the Overlap in the Proof Concerning Classes 2 and 3 • August 22, 2006 – Track 1 Defendants' Motion for Clarification (regarding Pretrial Order issued August 11, 2006) <ul style="list-style-type: none"> ○ August 23, 2006 – Plaintiffs' Response to the Track 1 Defendants' Motion for Clarification ○ August 25, 2006 – Track 1 Defendants' Reply in Support of Their Motion for Clarification